IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 894 OF 2001

Kacharu Babaji Shelar ..Appellant
Vs.
Abaji Babaji Shelar ..Respondent

Mr. Kishore Patil i/by Mr. P.N. Joshi for appellant.
Mr. S.M. Gowardkar for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : March 14, 2007.

P.C.:

1. Heard the learned cousnel for the respective parties. The appellant-plaintiff had filed RCS No.36 of 1982 for perpetual injunction against the respondent-defendant and the said suit was decreed by the learned Civil Judge, Junior Division at Pimpalgaon in Nasik District on 2/1/1988. The defenant challenged the said decree in Civil Appeal No. 94 of 1988 and the learned IV Additional District Judge at Nasik was pleased to allow the appeal by his judgment and order dated 27/9/1993 and the decree of the trial court was set aside. This second appeal appears to have been presented to this court on 1/2/1994 and during the last 13 years it is waiting for admission.

2. Admittedly, the decree for perpetual injunction has not been operative right from 27/9/1993 and even thereafter the appellant-plaintiff had filed Review Application No.311 of 1993, which was also rejected on 14/1/1994.

3. I am satisfied that no substantial questions of law for the consideration of this court at this belated stage in this second appeal arising from a suit for perpetual injunction would survive after almost 14 years.

4. Hence the appeal is dismissed in limine.

(B.H. Marlapalle,J.)